

# **Deficiency Progress Report – Update 5**

Report Submitted: December 16, 2008

**CUPA: Glenn County Air Pollution Control District**

**Evaluation Date: September 26 and 27, 2007**

## **Evaluation Team:**

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**Corrected Deficiencies: 1, 2, 4, 5, 6, 7, 8, 9, 10**

**Next Progress Report (Update 6) Due: March 20, 2009**

Please update the deficiencies below that remain in progress.

1. **Deficiency:** The CUPA did not report all of its regulated facilities on the Annual Single Fee (Report 2) and Annual Inspection (Report 3) Summary Reports for fiscal year (FY) 06/07.

Specifically, the CUPA did not report all of its agricultural handlers regulated under the business plan program.

**Preliminary Corrective Actions:** By December 27, 2007, revise the CUPA's FY 06/07 Annual Summary Reports 2 and 3 to include all the agricultural handlers regulated by the CUPA.

Submit revision to Cal/EPA along with the CUPA's first status report.

**CUPA's 1<sup>st</sup> Update (11-30-07):** Our agricultural handlers were hand counted to find a total of 458 regulated under the business plan program. This information along with the number of Ag facilities inspected and the fees collected were added to Reports 2 and 3. The Agricultural handlers will be added to a separate CUPA-DMS database for easier tracking and recordkeeping.

**Cal/EPA's 1<sup>st</sup> Response:** Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.

2. **Deficiency:** The CUPA's Inspection and Enforcement Plan is missing an enforcement notification procedure for appropriate confidentiality.

**Preliminary Corrective Actions:** By December 27, 2007, revise the CUPA's Inspection and Enforcement Plan to include an enforcement notification procedure for appropriate confidentiality.

Submit revision to Cal/EPA along with the CUPA's first status report.

**CUPA's 1<sup>st</sup> Update (11-30-07):** An enforcement notification procedure for appropriate confidentiality has been added to the Inspection and Enforcement Plan.

**Cal/EPA's 1<sup>st</sup> Response:** Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.

3. **Deficiency:** The CUPA has not met the mandated inspection frequency for the HMRRP program.

**Preliminary Corrective Actions:** By September 27, 2009, and annually thereafter, the CUPA will inspect at least one third (33% per year) of its HMRRP facilities, including agricultural handlers.

By March 27, 2008, the CUPA must develop a plan to insure that each HMRRP facility, including agricultural handlers, is inspected once every three years.

**CUPA's 1<sup>st</sup> Update (11-30-07):** An additional part time inspector is being considered and the agricultural biologists will increase their inspections to help increase our inspection totals. An exemption for certain agricultural handlers with limited storage is also being formulated.

**Cal/EPA's 1<sup>st</sup> Response:** On the next status report, report the total number of HMRRP facilities inspected for FY 07/08.

**CUPA's 2<sup>nd</sup> Update (3-21-08):** Approximately 100 facility inspections have occurred since July 1, 2007.

**Cal/EPA's 2<sup>nd</sup> Response:** Out of the 787 HMBP facilities noted in the CUPA's FY 06/07 Annual Inspection Summary Report, the CUPA has inspected 100 facilities (or 13%) so far in FY 07/08. The CUPA's goal should be to inspect approximately 259 facilities (or 33%) each year. The additional workload due to the farm inspections may require the CUPA hire more staff if current staff are unable to meet the HMBP inspection frequency. The CUPA is actively working to address this deficiency by requiring staff to increase their HMBP inspections and by possibly hiring a part-time inspector. Please continue to increase HMBP inspections by adding more staff and/or by increasing staff inspection levels. Please refer to OES's comments.

- **OES's Response:** On the next update, please continue to report on inspections performed, exemptions granted, and determinations that handlers may not be subject to the program, as appropriate.

**CUPA's 3<sup>rd</sup> Update (6-23-08):** At this time approximately 104 agricultural handlers are in the process of being granted exemptions and 265 facilities were not subject to the program requirements due to their storage amounts and were taken out of our CUPA-DMS database. This left approximately 361 agricultural handlers subject to the program and 711 total regulated facilities for Glenn County. Approximately 185 inspections have been performed this fiscal year. Since the last update an air pollution specialist has been assigned to the CUPA program (part time) to perform inspections. He is in the process of being trained and has performed several inspections with other inspectors.

**Cal/EPA's 3<sup>rd</sup> Response:** Please refer to OES's response.

- **OES's response:** The CUPA has made excellent progress on dealing with agricultural handlers, through the inventory process and through exemptions. However, based on the last fiscal year's report, the CUPA is still about 50 inspections short of achieving a three-year schedule of inspections. The addition of new staff will help.
- Please update your progress on the next quarterly report.

**CUPA's 4<sup>th</sup> Update (9-22-08):** At the end of the fiscal year 2007-2008 there were a total of 683 active facilities within our database. Approximately 190 inspections were performed during the 2007-2008 fiscal year leaving us about 37 inspections short of achieving a three-year inspection schedule. Approximately 37 inspections have been performed during the current fiscal year.

**Cal/EPA's 4<sup>th</sup> Response:** Please refer to OES's response.

- **OES's response:** The CUPA has made excellent progress in correcting this deficiency and coming into compliance with state mandated inspection frequencies. In the CUPA's next quarterly progress report, please provide an update on the number of facilities that have been inspected for FY 08/09.

**CUPA's 5<sup>th</sup> Update (12-16-08):** Since the beginning of the fiscal year the CUPA has lost 2 part time inspectors. One of the inspectors should be back in January. This has caused a decrease in the amount of inspections that could be performed. To date approximately 61 inspections have been performed.

**Cal/EPA's 5<sup>th</sup> Response:** Please refer to OES's response.

- **OES's response:** The loss of inspectors has been a setback. With the next quarterly report, please update the total number of inspections since the previous report, and please summarize the total number of inspections vs total number of HMRRP facilities (including agricultural) over the 12 month period ending the date of the next quarterly report.

**CUPA's 6<sup>th</sup> Update:** [Enter Update Here](#)

4. **Deficiency:** The CUPA is not collecting enough revenue to cover the cost of implementing Glenn's Unified Program.

**Preliminary Corrective Actions:** By July 27, 2008, submit a FY 07/08 revenue/expenditures report to Cal/EPA.

This deficiency will be considered corrected if the total revenue equals at least 90% of the total CUPA expenses.

**CUPA's 1<sup>st</sup> Update (11-30-07):** Our fee schedule is currently under revision and will go to the board early next year after we hold a public comment period.

**Cal/EPA's 1<sup>st</sup> Response:** Before the 2007 evaluation, the CUPA has recognized this deficiency and has implemented a plan to increase the County's fees. On the next status report, update Cal/EPA on the outcome of the fee increase proposal.

**CUPA's 2<sup>nd</sup> Update (3-21-08):** Our revised fee schedule was passed by our Board of Supervisors on February 19, 2008. A plan to re-visit the fee schedule will next occur when we go to the board to implement fees for the Aboveground Petroleum Storage Tank program in late 2009 or early 2010.

**Cal/EPA's 2<sup>nd</sup> Response:** After further review of this deficiency, Cal/EPA has determined that the CUPA may use other funds (General Fund, Enforcement Settlement funds, etc.) in addition to CUPA fees to cover the necessary and reasonable costs of implementing the UP. Cal/EPA does recommend that the CUPA use UP fees collected to fund a majority of its program costs. Other monies used to fund the UP such as enforcement settlement and General Fund money are historically unstable and the CUPA's use of these funds diverts money from other programs. The CUPA has already increased its fees and will continue to do so as needed so that a majority of Glenn's UP will be funded by UP fees.

This deficiency is considered corrected.

5. **Deficiency:** The CUPA is not collecting the state surcharge along with its local fees from agricultural handlers.

**Preliminary Corrective Actions:** By October 27, 2007, the CUPA must begin collecting the state surcharge as part of its single fee from agricultural handlers. The state surcharge should be collected annually.

**CUPA's 1<sup>st</sup> Update (11-30-07):** All agricultural handlers will now be billed annually and a state surcharge will be collected.

**Cal/EPA's 1<sup>st</sup> Response:** When will the CUPA invoice agricultural handlers next year? If invoices are sent out before the next status report, submit a copy of two agricultural handler invoices to Cal/EPA along with the next status report. The copies can be by email in pdf. format.

**CUPA's 2<sup>nd</sup> Update (3-21-08):** Our new CUPA-DMS agricultural facility database was installed on February 15, 2008 and we are currently inputting data. A fee increase for Agricultural handlers was passed by our board on February 19, 2008 and we have to wait at least 30 days before we can bill out. We expect to bill out by the end of March or the first of April. A copy of two agricultural handler invoices are included for review.

**Cal/EPA's 2<sup>nd</sup> Response:** The attachment sent with the two agricultural handler invoices did not appear to have any documents. Cal/EPA requests that the CUPA resend the attachment. The state surcharge should be collected from ag handlers annually.

**CUPA's 3<sup>rd</sup> Update (6-23-08):** Two agricultural handler invoices have been sent by mail. At the time of the second update these invoices were e-mailed twice and faxed once and no indication they were not received was given until after Cal/EPA's response.

**Cal/EPA's 3<sup>rd</sup> Response:** Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.

6. **Deficiency:** The CUPA has not met the requirement of obtaining inventories or inventory certifications from each business plan facility on an annual basis. Specifically, inventories from agricultural handlers are obtained at the time of inspection (once every three years).

**Preliminary Corrective Actions:** By September 27, 2008, the CUPA should collect inventories or inventory certifications from all business plan facilities, including agricultural handlers, annually.

By March 27, 2008, the CUPA must develop a plan to insure that inventories or inventory certifications are received annually from all business plan participants.

**CUPA's 1<sup>st</sup> Update (11-30-07):** The agricultural handlers are going to be added to their own CUPA DMS database and will be billed annually and be required to submit an inventory certification annually.

**Cal/EPA's 1<sup>st</sup> Response:** On the next status report, report the total number of HMRRP facilities that have submitted their annual inventory or inventory certifications for 2008.

**CUPA's 2<sup>nd</sup> Update (3-21-08):** Approximately 78 facilities have submitted an annual inventory certification. These are the facilities that visited our office to update their pesticide permits. All other agricultural facilities will be sent an annual inventory certification with the billing statements in late March or early April.

**Cal/EPA's 2<sup>nd</sup> Response:** Please refer to OES's response.

- **OES's response:** Along with the next update, please report the number of inventory certifications received. Since these were sent out with the billing, most of them should return with an inventory or certification.

**CUPA's 3<sup>rd</sup> Update: (6-23-2008):** Approximately 186 compliance certifications have been received from agricultural handlers. Some facilities have only returned their fees and did not send in their compliance certification. A notification letter will be sent out to all facilities who have not submitted their compliance certification. This notice will be sent out when we send out the second notice for fees in late June or early July.

**Cal/EPA's 3<sup>rd</sup> Response:** Please refer to OES's response.

- **OES's response:** With the next quarterly report, please report your success with the follow-up process, and summarize the total number of inventories or certifications received, and the number of facilities that are in the program and have not been exempted.

**CUPA's 4<sup>th</sup> Update (9-22-08):** Approximately 244 compliance certifications out of 322 currently active agricultural handlers have been turned in.

**Cal/EPA's 4<sup>th</sup> Response:** Please refer to OES's response.

- **OES's response:** The CUPA has made excellent progress in correcting this deficiency and receiving current annual certifications on inventory. In the CUPA's next quarterly progress report, please provide updates on the current numbers of facilities which have turned in their annual inventory as well as a plan on how the CUPA

intends to handle the facilities which have not turned in either a current inventory or annual certification to the CUPA.

**CUPA's 5<sup>th</sup> Update (12-16-08):** Approximately 257 out of 320 compliance certifications for currently active agricultural handlers have been turned in. We will try to obtain this information from the outstanding facilities in January when we bill our agricultural sources.

**Cal/EPA's 5<sup>th</sup> Response:** Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected. Please refer to OES's response.

- **OES's response:** Since the date of the evaluation, the CUPA has managed to take its businesses from basically zero compliance to more than 80% current inventories or certifications. While not yet at 100% compliance, the effort is still ongoing, and significant progress is being made. CalEMA (OES) considers this deficiency corrected.

- 7. Deficiency:** The CUPA does not have a CalARP dispute resolution procedure.

**Preliminary Corrective Actions:** By November 27, 2007, the CUPA must develop a dispute resolution procedure that addresses all of the elements of Title 19 section 2780.1.

**CUPA's 1<sup>st</sup> Update (11-30-07):** A dispute resolution procedure is now in place for CalARP facilities.

**Cal/EPA's 1<sup>st</sup> Response:** Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.

- 8. Deficiency:** The CUPA has not been conducting an annual CalARP performance audit.

**Preliminary Corrective Actions:** By November 27, 2007, and annually thereafter, the CUPA must perform a CalARP performance audit. This information may be included with the annual Title 27 self-audit.

**CUPA's 1<sup>st</sup> Update (11-30-07):** A CalARP performance audit was performed for the Fiscal Year 2006-2007 and integrated into our annual Program Evaluation.

**Cal/EPA's 1<sup>st</sup> Response:** By January 10, 2008, submit a copy of the CUPA's CalARP performance audit report for FY 06/07 that contains all the elements of Title 19, Section 2780.5.



**CUPA's 2<sup>nd</sup> Update (3-21-08):** The Cal-ARP performance audit was incorporated into our 2006-2007 self-audit and was submitted by e-mail to Kareem Taylor on January 8, 2008.

**Cal/EPA's 2<sup>nd</sup> Response:** Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.

- 9. Deficiency:** The UST Permit to Operate generated by the CUPA's DMS shows monitoring requirements for the tanks, but does not show the monitoring requirements for the piping.

**Preliminary Corrective Actions:** By December 27, 2007, add the monitoring requirements used for the piping to the Permit to Operate, including UDC monitoring, leak detectors, etc.

**CUPA's 1<sup>st</sup> Update (11-30-07):** The CUPA-DMS program is currently being updated to include the piping monitoring on the Permit-to-Operate and will be available soon.

**Cal/EPA's 1<sup>st</sup> Response:** On the next status report, update Cal/EPA on the progress towards correction of this deficiency.

**CUPA's 2<sup>nd</sup> Update (3-21-08):** Our CUPA-DMS database was recently updated and the monitoring requirements for piping are now included on the UST Permit to Operate. A copy of a new Permit to Operate is included with this update.

**Cal/EPA's 2<sup>nd</sup> Response:** The attachment sent with UST permit did not appear to have anything in it. Cal/EPA requests that the CUPA resend the revised UST permit attachment that includes the monitoring requirements for piping.

**CUPA's 3<sup>rd</sup> Update: (6-23-08):** A copy of a UST permit has been sent by mail. At the time of the second update this permit was e-mailed twice and faxed once and no indication they were not received was given until after Cal/EPA's response.

**Cal/EPA's 3<sup>rd</sup> Response:** Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.

- 10. Deficiency:** Some of the plot plans reviewed did not show the monitoring locations of the tanks, piping, etc.

**Preliminary Corrective Actions:** During the UST inspections, update the facility map/plot plan that shows the monitoring locations of the tank system.



By December 27, 2007, submit two facility map/plot plans to Cal/EPA that contain monitoring locations of the tank system.

**CUPA's 1<sup>st</sup> Update (11-30-07):** Facility maps are now being updated, if necessary, during annual inspections. 2 maps are included 1 drawn at an inspection and 1 submitted by a Designated Operator of a Facility that had a change of ownership.

**Cal/EPA's 1<sup>st</sup> Response:** Due to the CUPA's corrective actions, Cal/EPA considers this deficiency corrected.